

Appl. No. 09/659,737  
Amdt. dated March 8, 2004  
Reply to Final Office Action dated Feb. 12, 2004

### REMARKS/ARGUMENTS

At the outset, Applicants would like to thank the Examiner for her assistance in having the Final Office Action in the above-referenced application mailed to Applicants at the correct correspondence address.

Applicants would also like to thank the Examiner for the courtesy of the telephonic Interviews conducted on March 5 and March 8, 2004.

#### I. Amendments to the Claims:

Claims 1-5, 22-23 and 25 are pending in this application.

Applicants thank the Examiner for indicating that claims 1 and 2 are allowable.

Claims 3-5 are currently cancelled without prejudice or disclaimer of the subject matter contained therein. Applicants reserve the right to pursue the subject matter of these claims in this or a future related application.

Claim 22 has been amended to recite additional claim dependencies.

Claims 23 remains unchanged.

Claim 25 has been amended to clarify the claimed subject matter.

Claims 48-54 have been newly added. Support for the newly added claims can be found throughout the specification as filed. Specifically, support can be found at page 2, lines 17-21; page 5, lines 25-28; page 8, line 26 to page 9, line 13; and page 26, line 15 to page 27, line 13.

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Accordingly, after entry of this amendment, claims 1-3, 22-23, 25 and 48-54 will be pending in this application.

No new matter has been added as a result of the amendment to the claims.

## II. Claim Rejections

Claims 3-4, 22-23 and 25 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly not providing enablement and written description for the claimed DNA sequences. The Office Action further purports that because the claimed DNA molecules are not enabled or adequately described, vectors, host cells and methods of expressing said molecules are also not enabled or adequately described. (Office Action dated 02/12/04, page 2, section 2 and page 5, section 3).

In response, claims 3-4 have been cancelled herewith. Accordingly, this rejection as it applies to claims 3-4, and the claims depending therefrom, has been rendered moot. Applicants respond to this rejection as it may be applied to the currently pending claims.

Applicants respectfully contend that the newly added claims 48-58 are both enabled and described in the specification as filed. As indicated above, the specification provides adequate support for these claims, for example, at page 2, lines 17-21; page 5, lines 25-28; page 8, line 26 to page 9, line 13; and page 26, line 15 to page 27, line 13. Applicants further note that the Examiner has indicated that the specification supports isolated DNA molecules that are 90% homologous to SEQ ID NO:1 while being able to retain kinase function of the MLK4 gene product (Office Action dated 02/12/04, page 2, section 2, first sentence). Accordingly, Applicants respectfully aver that the pending claims are both adequately enabled and described.

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Since the claimed DNA molecules are both enabled and adequately described, vectors, host cells and methods of expressing said molecules are also enabled and adequately described.

Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

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### III. Conclusion

In view of the above amendments and remarks, Applicants aver that all of the outstanding rejections of record have been overcome. Accordingly, the claims are now in condition for allowance. Applicants respectfully request that the Examiner issue a timely Notice of Allowance.

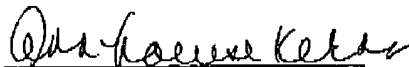
Applicants also respectfully request that the Examiner *initial* and return copies of the forms PTO-1449 that were submitted on *May 13, 2003, June 6, 2003 and February 20, 2004*, with the next Patent Office communication.

No additional fees are believed to be due in connection with this correspondence. However, if any fees are due, please charge any payments due or credit any overpayments to our Deposit Account No. 08-0219.

The Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the prosecution of the Application.

Respectfully submitted,

Date: March 8, 2004

  
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